**PRESENT:** Mark Pease, Chairman; Robert Donnelly, Vice Chairman; Douglas Dooley; Philip Greene; George Nangle; Brian Chapman, Alternate Member; Elizabeth Ware, Community Development Director; Edward Patenaude, Public Works Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

Chairman Pease opened the meeting at 7:00 p.m. in the Conference Room at Town Hall and the Pledge of Allegiance was recited.

#### **MINUTES:**

Meeting held on December 14, 2016: Mr. Donnelly motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

Chairman Pease asked the Board to complete the Conflict of Interest paperwork if it has not been done yet and noted that the Town needs the acknowledgement receipt of the summary copy of the conflict of interest law, as well the certificate indicating completion of the course.

#### 11 DAYBREAK DRIVE/HAROLD FRASER/LOT LINE ADJUSTMENT:

Attorney Michael Fadden appeared before the Board on behalf of the applicant, who is seeking to adjust the lot lines between Lot 3A, Lot 5A and Parcel B. The intent of the plan is to reverse what was done back in 2010. Attorney Fadden stated Mr. Fraser owns 11 Daybreak Drive and 1328 Mammoth Road. As shown on the plan, Parcel B will be subdivided and a portion will be added to Lot 5A (1328 Mammoth), increasing that lot and Lot 3A(11 Daybreak) will be reduced, but will still be in compliance. Attorney Fadden indicated Mr. Fraser has the 11 Daybreak Drive property under agreement and the buyer did not want Parcel B as part of the sale.

Mr. Donnelly inquired about the width of the narrow portion of Parcel B. Attorney Fadden was not sure, however; Parcel B is being attached to Lot 5A, which is a compliant lot and is not needed to count towards the area requirements. Mr. Hamel noted the lot meets the area and Lot 5A is an existing lot. Ms. Ware added if the area did not meet the requirements, then it would be an issue.

Mr. Nangle motioned to approve the lot line adjustment plan. Mr. Dooley seconded. Motion passed unanimously.

## 231 WHEELER STREET/O'BRIEN HOMES/OPEN SPACE RESIDENTIAL SPECIAL PERMIT/PUBLIC HEARING (CON'T):

In review, Chairman Pease stated the Board considered 3 different open space plans which were not met favorably by either public safety, DPW and Engineering and the abutters, as well as the Board deciding to revisit the conventional plan.

Attorney James Flood, Dennis Griecci of Andover Consultants and Kevin O'Brien of O'Brien Homes appeared before the Board for approval of an open space residential development.

Attorney Flood noted the conventional and open space plans have been redesigned and there are now 29 lots. Mr. Griecci stated that each lot in the conventional plan has 40,000 square feet of area and 175 feet of frontage with the temporary cul-de-sac easement of Poppy Lane connecting to Elizabeth Drive and connecting out on Wheeler Street. The open space plan has 2 cul-de-sacs, each lot has at least 20,000 square feet of area and 50 feet of frontage with 2 open space areas one of approximately 9 acres and the other having 1-1/2 acres, which excludes the wetland areas.

Chairman Pease questioned the design of the cul-de-sac and if it complies with the By-law. Attorney Flood stated it meets the requirements of the turnaround radius. Mr. Hamel added that in the regulations the description indicates the cul-de-sac needs a 150 foot diameter that requires a 75 foot radius, which this has, although; it is not typical of what the Board sees. There is also a line item that the Board can consider other forms of turnaround. Ms. Ware inquired about the potential for ballfields in the open space areas. Mr. O'Brien was not sure due to the cul-de-sac length and then a roadway would be needed off of it for access. Ms. Ware asked if the back area would be amenable to some hiking trails. Mr. O'Brien stated it could be a possibility.

Chairman Pease asked if anyone in attendance had a question or comment.

Rich Cowan of 12 Greenlawn Avenue, who is part of the Town's Pipeline Awareness Committee and who spoke in length about the impact the pipeline would have on the proposed development.

Dana Taplan of 489 Wheeler Road asked about the allocation of the open space areas. Mr. O'Brien indicated he would be willing to consider hiking trails, if an agreement can be reached.

Denah Toupin of 12 Rinzee Road does not feel the open space plan is consistent with the neighborhoods in East Dracut and finds the layout of homes to be very dense or clustered. Mrs. Toupin reviewed the objectives of the open space development and finds the open space plan does not meet the criteria for approval, as well as being detrimental to the existing neighborhood.

Bill Hayes of 32 Wilshire Circle mentioned that when this area was developed about 30 years ago; there was no sewer and the intent for the future development was for 1 acre lots, which are consistent with the neighborhood. Mr. Hayes asked the Board to consider the many issues the residents have brought up about this project.

Chairman Pease mentioned the Town is in favor of preserving open space and regulations are becoming more stringent for stormwater management, where state agencies are seeking narrower or shorter roadways to reduce the pavement.

Mr. Donnelly questioned the location of several lots in relation to the vernal pools. Mr. Griecci noted there is a 100 foot buffer associated with the vernal pools, however; there is no restriction on what can be done in the buffer zone.

Clyde Neville of 32 Rinzee Road spoke in length about the negative aspects of the proposed development including the proximity to Brox Industries and new residents dealing with the noise from Brox's operations, as well as the smaller micro lots impacting the value of the neighborhood. Chairman Pease noted the lots are 20,000 square feet or 1/2 acre in size and the open space special permit process allows the Board to place conditions of approval on the permit that the developer must comply with to protect trees or buffer areas.

In further discussion, Mr. Donnelly would like to have some feedback from Conservation on the setbacks for the vernal pools. Chairman Pease did not believe that Conservation would make a determination without a full hearing. It is Mr. Greene's opinion that the acre lots will be better for the neighborhood and he does not feel the open space land is a great parcel. Attorney Flood added the Master Plan encourages the development of open space projects. Mr. Nangle noted that the Town wants to preserve open space, but he does not feel this land will be beneficial.

Mr. Greene motioned to close the public hearing. Mr. Chapman seconded. Motion passed unanimously. Mr. Greene motioned to deny the open space plan, as it is not in the best interest of the Town and the neighborhood. Mr. Chapman seconded. Motion passed unanimously.

**8:00 PM:** Chairman Pease called for a 5 minute recess.

8:05 PM: Chairman Pease called the meeting back to order.

## 324 BROADWAY ROAD/TOP NOTCH HOMES/AMEND SPECIAL PERMIT FOR A MULTI-FAMILY DEVELOPMENT/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Wednesday, December 28, 2016 and again on Wednesday, January 4, 2017.

Paul Marchionda of Marchionda & Associates appeared before the Board on behalf of Top Notch Homes in seeking an amendment to their special permit for a multi-family development. The original proposal called for 45 age restricted townhouse units in 15-three unit buildings and the new plan has 21 duplex units and 2 single family homes. Mr. Marchionda stated the roadway layout and drainage will remain the same.

Chairman Pease noted the Fire Chief submitted a letter requiring an additional hydrant at the entrance and the final hydrant locations must be approved by the Fire Department, as well as the Dracut Water Supply District. Mr. Marchionda indicated that was acceptable with his client. In seeking some guidance on this, Chairman Pease asked Town Counsel about the process to modify the special permit and the Zoning By-law change, which has not been approved by the Attorney General; Town Counsel replied that the Board has to hold a public hearing and a condition of approval is that the Attorney General must approve the Zoning By-law change that went before the November Town Meeting. If the Attorney General does not approve it; then the applicant would be back at square one.

Attorney Fadden did review Ms. Ware's comments and agrees with the condition of the Attorney General's approval, however; if not approved then they could go back to the old plan. Mr. Greene noted if the Board changes the plan tonight; there is no old plan. Attorney Fadden agreed.

Chairman Pease asked if anyone in attendance had a question or comment.

Pamela Georgakakis of 7 Meadow Creek Drive questioned how the change will impact her property and her privacy. Attorney Fadden stated the original plan had the units located 55 feet from her property line and the revised plan has the setback at 73 feet. Mrs. Georgakakis wanted to make sure the 10 foot landscaped berm and other issues discussed during the original plan would be the same. Attorney Fadden confirmed it would.

Mr. Hamel noted the Town would like the sidewalk easement along Broadway Road. Mr. Marchionda indicated that in working with MassDOT, it was determined that a highway alteration plan would be necessary. Mr. Hamel asked to have this be a condition. Mr. Greene asked if this was in the original permit. Chairman Pease thought it was an oversight. In her staff memo, Ms. Ware pointed out the recommended conditions of referencing the revised plans and landscape plans; the approval of the Town Meeting Article by the Attorney General and the approval of the Homeowner's documents by Town Counsel; as well as including the sidewalk condition Mr. Hamel requested. Attorney Fadden agreed with those conditions. Ms. Ware mentioned the berm along the Georgakakis property was not shown on the landscape plan. Mr. Marchionda noted it is on the site plans.

Mr. Nangle motioned to close the public hearing. Mr. Dooley seconded. Motion passed unanimously. Mr. Nangle motioned to grant the amended special permit with the recommendations established in Ms. Ware's letter and the sidewalk issue. Mr. Donnelly seconded. Motion passed unanimously.

### 1827 BRIDGE STREET/TRUST CONSTRUCTION CORP/SPECIAL PERMIT FOR AN ASSISTED LIVING FACILITY/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Wednesday, December 28, 2016 and again on Wednesday, January 4, 2017.

Attorney Maurice Mason and Matt Hamor of Landplex Consulting appeared before the Board on behalf of the applicant in seeking a special permit for an assisted living facility consisting of 160 beds and will employ 40 to 50 full-time employees. The existing building will be utilized and a new 3-story building will be constructed with underground parking. Attorney Mason added a waiver is being requested for the size of the parking spaces for 9'x18' rather than 10'x20'. Mr. Hamor stated the property is located in the B4 business zone and consists of 2.39+ acres. The existing parking area will be modified and there will be an improved access drive to the site. There were meetings with the Fire Department and all of their issues have been addressed.

In addition, Mr. Hamor reviewed the drainage improvements and noted the stormwater runoff from the site will be treated with a proposed infiltration system along with a reconstruction of the existing detention basin at Bridge Street. The stormwater will drain into a catch basin before being pretreated by individual on-site sediment and oil/water separators. Mr. Hamor further discussed Mr. Hamel's comments and responded to his review items in his letter of January 11th. Ms. Ware inquired about the retaining walls shown on the plans. Mr. Hamor stated the retaining wall details will be submitted, which will be prepared and stamped by a structural engineer. The existing light poles will be utilized and some additional lighting will be wall mounted on the exterior of the building. Mr. Hamor further mentioned there will be an Alzheimer's wing, a cafeteria, activity/community rooms, a drop-off area for supplies, a full basement and laundry service at the facility. The plan complies with the parking regulations for the employees of the facility and the visitors. Mr. Hamor met with the Building Inspector and the zoning issues have been addressed. Chairman Pease referenced a letter from the Sewer Department that has concerns of the onsite sewer infrastructure. Mr. Hamor discussed the issues with Mr. Reynolds, the Sewer Superintendent and modifications to the piping and system will be done, as needed.

Chairman Pease inquired about the traffic study that was conducted. Mr. Hamor stated the traffic assessment was done by TEPP, LLC and their findings indicate that there will be 369 trips to facility on a daily basis, which will result in a reduction of 66% of traffic to Bridge Street from the previous use. Mr. Greene asked for clarification as to whether there will also be Alzheimer's patients at the facility. Mr. Hamor confirmed there would, but it will be separate from the assisted living units. Mr. Greene asked if the applicant will run the assisted living. Mr. Hamor stated his client will own the building and a professional group will run the facility. Mr. Greene questioned the number of sewer manholes at the site. Mr. Hamor indicated there was an existing set of manholes to facilitate a septic system and the manholes were for the distribution boxes, but the system never went online and will be removed.

In further discussion, it was mentioned that there will be significant upgrades to the infiltration system, which will address the runoff impacting Bridge Street. Mr. Hamel would like to see some additional storage if possible, but there is a substantial improvement to the existing conditions. Chairman Pease agreed and noted there is quite a bit of site work being done.

Chairman Pease asked if anyone in attendance had a question or comment

Rich Cowan of 12 Greenlawn Avenue is in favor of the assisted living use at this location and asked about any parking provisions for special events. Mr. Hamor felt there would be sufficient parking or some off-site parking across the street could be considered.

Tom Maroney of 18 Chestnut Street in Wakefield questioned the size of the suites or individual units. Philippe Thibault, the architect for the project indicated the average size is around 300 square feet.

Chairman Pease asked if the plans and outstanding issues could be addressed for the next meeting in 2-weeks. Attorney Mason remarked that his client has no problem with any of the conditions. Chairman Pease stated the Board would like to see the revised plans. Mr. Nangle inquired about acting on the waiver. Mr. Greene indicated he would not be in favor of granting the waiver for the size of the parking spaces. Attorney Mason noted the spaces at the Town Hall and High School are 9'x18'. Mr. Greene stated the Board was not involved with those projects. Chairman Pease asked how many spaces are lost by using the full size. Mr. Hamor stated parking would be reduced by 10% and it would have a significant impact on the project. Chairman Pease asked for Mr. Hamel's input. Mr. Hamel did not have a preference, but finds the 10'x20' parking space outdated. Mr. Hamor added the site is limited given the existing design. Chairman Pease inquired about the snow storage. Mr. Hamor noted there is ample snow storage and in the event of an excessive amount; it would be hauled off-site. Ms. Ware questioned whether there could be a mix of different size parking spaces. Mr. Hamor indicated it does not typically work out to designate compact spaces, however; he added that the handicap spaces are ADA compliant at 10'x20'. Mr. Donnelly asked if there would be enough spaces for the project if they meet the 10'x20' regulation. Mr. Hamor stated the size of the facility would have to be reduced, which could effect the economics of the facility. Ms. Ware inquired if there will only be 15 employees at the facility at one time. Mr. Hamor believes there will be 3 shifts and visiting staff, but he is not sure of the exact number of employees. Chairman Pease asked if the Board would like to act on the waiver, as he does not believe the applicant is going to produce a plan that has the regulation size spaces. Attorney Mason indicated it could not be done and still be able to maintain the economic viability of the project.

Mr. Nangle motioned to continue this hearing to the January 25<sup>th</sup> meeting. Mr. Donnelly seconded. Motion passed unanimously.

# 200 LOON HILL ROAD/RICHARRY INVESTMENTS/AMEND SPECIAL PERMIT FOR 2-SINGLE FAMILY HOMES IN THE FLOOD PLAIN OVERLAY DISTRICT/PUBLIC HEARING:

Chairman Pease opened the hearing and read aloud the Legal Notice which was advertised in the Lowell Sun on Wednesday, December 28, 2016 and again on Wednesday, January 4, 2017.

Ken Lania of Cornerstone Land Consultants appeared before the Board on behalf of the applicant to amend the existing special permit to construct 2-single family homes in the flood plain overlay district, which required the homes to have residential sprinklers. Mr. Lania noted the Fire Department indicated the provisions of 527 CMR 1.18.2.3 of the NFPA are going to be eliminated, which will make the requirement null and void.

Chairman Pease asked if the change has been made to allow this. Mr. Lania stated it was in the process, but he did not believe it was in effect yet. For the record, Chairman Pease added the Board did receive a letter from the Deputy Fire Chief that concurs with this information.

Chairman Pease asked if anyone in attendance had a question or comment. Nobody came forward to speak for or against this matter.

Mr. Donnelly inquired whether the Building Inspector had made a determination on the flood plain, as it is required in the By-law. Chairman Pease stated the Board is only considering the one change from the original special permit. Ms. Ware indicated the Building Inspector's determination was part of the original special permit that is on record at the Registry of Deeds.

Mr. Nangle motioned to close the public hearing. Mr. Dooley seconded. Motion passed unanimously. Mr. Nangle motioned to grant the amended special permit to remove the condition requiring residential sprinkler systems based on the recommendation of the Fire Department. Mr. Donnelly seconded. Motion passed unanimously.

#### **OLD BUSINESS:**

#### Planning Board Initiatives/Review and Update

Ms. Ware requested to review this information at a later date.

#### **NEW BUSINESS:**

# 309 Sladen Street/Jill & Michael Pelletier/Special Permit Submittal for a 2-Family Dwelling & to Request a Public Hearing

Mr. Donnelly motioned to schedule a public hearing on February 8, 2017. Mr. Dooley seconded. Motion passed unanimously.

Mr. Dooley stepped down from his seat on the Board for the following matter.

# 1500 Broadway Road/Dunkin Donuts, Bettencourt Network/Special Permit Submittal for Dunkin Donuts & Retail Development and to Request a Public Hearing

Mr. Donnelly motioned to schedule a public hearing on February 8, 2017. Mr. Greene seconded for discussion. Ms. Ware suggested the Board consider hiring a traffic consultant to review the traffic study. Chairman Pease asked if the Board should do this now. Ms. Ware felt that if the Board did it now, then the consultant could provide some traffic data for the hearing. Mr. Greene asked if there is a project going across the street and if a traffic study was done. Ms. Ware indicated the Themeles project driveway is across the street, but a traffic study was not done, however, Ms. Ware added this project did trigger a MEPA filing, as they believe it will generate 2400 vehicle trips a day to the site. Mr. Hamel noted a traffic study was done for the Themeles project and was reviewed by MassDOT. On the motion to schedule the hearing, motion passed unanimously.

There was additional discussion relative to the traffic study and impact of the project across the street and the proposed Dunkin Donuts, however; Mr. Hamel mentioned the traffic consultant will not analyze the Themeles project to the level of detail that was already looked at, but it will be considered as background or proposed development.

It was the consensus of the Board to address the hiring of a traffic consultant at the public hearing.

**ADJOURNMENT:** Mr. Nangle motioned to adjourn at 9:30 p.m. Mr. Donnelly seconded. Motion passed unanimously.

#### THE DRACUT PLANNING BOARD

Mark Pease, Chairman

Robert Donnelly, Vice Chairman

Douglas Dooley

Philip Greene

George Nangle

/lw